IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13645 of 2004

Between:

Maradapa Chandrasekhara Rao, S/o. Subba Rao,
Yadava High School, Old Guntur, Guntur-1, A.P. R/o. 16-20-9, Kondavari Street,Near Ramalayam, Old Guntur -1.

..... PETITIONER

AND

1 The District Educational Officer, Guntur.
2 The Regional Joint Director of School Education, Guntur.
3 The Commissioner and Director of School Education, Saifabad, Hyderabad.
4 The Secretary and Correspondent, Yadava High School, Old Guntur, Guntur -.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, especially in the nature of a writ of Mandamus declaring the action of the respondents 1 to 3 in not approving the appointment of the petitioner from the date of 26-9-1994 as per the selection made by the Selection Committee, ignoring the appointment order dt. 26-9-1994, ordering prospective appointment as per order dt. 29-3-1997 bearing Rc.No. 1/96/97 of the 4th respondent basing on the proceedings dt. 25-3-1997 bearing No. L.Dis. 2516/B1/95 of the Regional Joint Director of School Education, Guntur and not making payment of the salary from 26-9-94 till 29-3-1997 is illegal arbitrary, arbitrary, contrary to the rules, against the principles of natural justice and violative of Article 14, 16 & 21 of the Constitution of India consequently directing the respondents 1 to 3 to pass orders orders directing the 4th respondent management, Secretary & Correspondent, Yadava High School, Old Guntur to pay the petitioner's salary from 26-9-1994 to 29-3-1997 including the leave salary and other arrears if any with seniority in the interest of justice.

Counsel for the Petitioner:MR.K.K.CHAKRAVARTHY

Counsel for the Respondent No. 1 to 3: GP FOR EDUCATION

The Court made the following:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.13645 OF 2004

ORDER:

The petitioner was appointed as a Secondary Grade Assistant in the fourth respondent-High School on 26.09.1994. The fourth respondent-Management wrote a letter to the District Educational Officer-first respondent for approval. The first respondent, in turn, sent a proposal to the second respondent for approval. At the time of sending the proposal, the first respondent wrote that in the Selection Committee, the Dy. Educational Officer, who is a member and proposed by him, did not attend the selection process, as such, the selection cannot be accepted. Subsequently, the selection of the petitioners and others cannot be accepted. The first respondent further mentioned that one of the teachers filed W.P.No.9923 of 1993 and it is pending and as such the permission granted to the Selection Committee was only to conduct interviews and not to finalise the selections until further orders.

The petitioner contends that the Selection Committee conducted the selection by written test followed by interview in accordance with the Rules, after informing the departmental nominee i.e. Dy. Educational Officer, who was specifically nominated by the first respondent to attend on 26.09.1994, for which the said official nominee informed the Committee that he is coming and the process can go on.

The petitioner further contends that basing on the assurance of the departmental nominee, the Selection Committee proceeded with the selection and selected six candidates including the petitioner in the existing vacancies of

various posts.

Basing on the report of the first respondent, the second respondent sent the entire proposal to the third respondent for Enquiry basing on the appeal of the fourth respondent-Management against the recommendation of the first respondent.

The petitioner further contends that the third respondent, after enquiry, decided the issue lastly on 23.09.1996 to the effect that the appointments are to be made prospective and issued the orders. The said orders though received in the office of the second respondent in 1996, they were kept pending till 25.03.1997, and later on, an order was issued vide L.Dis.No.2516/B1/95 directing the fourth respondent to issue revised orders of appointment to the selected candidates with prospective effect due to the delay caused by the respondent. The petitioner and other candidates suffered loss of salary from 26.09.1994 to 29.03.1997. Aggrieved by the revised order of the fourth respondent dated 29.03.1997, the petitioner made a representation to the Government and the respondents on 26.09.1997, but no orders have been passed. Subsequently, on 23.08.2002, the petitioner made a separate representation to the Secretary to Government sending copies to respondents No.1 to 3 with a recommendation of the fourth respondent for favourable action. On that, the third respondent, through the letter Rc.No.5300/D1-2/2002, dated 14.12.2002, called for the remarks of respondents No. 1 and 2 in the matter, but they did not send the remarks. Therefore, the petitioner made another representation on 21.07.2003 and it is also pending without any action.

The petitioner, therefore, approached this Court through this writ petition seeking writ of Mandamus declaring the inaction of the respondents No.1 to 3 in not approving the appointment of the petitioner from the date of selection as illegal and arbitrary.

In the light of the circumstances and the sequence of events narrated by

the petitioner, respondents No.1 and 2 are directed to send their remarks to the third respondent within one month from the date of receipt of a copy of this order. The third respondent shall, within two months from the date of receipt of remarks from respondents No.1 and 2, pass appropriate orders as per the rules and communicate the same to the petitioner.

The writ petition is disposed of accordingly. No order as to costs.

-

-

_____

(Dr.G.YETHIRAJULU, J)

Dated 04th August, 2004.

YCR

To

1 The District Educational Officer, Guntur.
2 The Regional Joint Director of School Education, Guntur.
3 The Commissioner and Director of School Education, Saifabad, Hyderabad.
4. 2 CCs to GP for School Education, High Court Bldgs, Hyd.(OUT)

5. 2 C.D. copies.